

LITTLER MENDELSON, P.C.  
A. Michael Weber (AW-8760)  
Michael P. Pappas (MP-6716)  
885 Third Avenue  
New York, New York 10022  
(212) 583-9600

Attorneys for Defendant  
Lester Nail

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

PARAMOUNT PARKS, INC.,

Plaintiff,

Case No. 07 Civ. 10595 (SHS) (MJD)

-against-

**NOTICE OF CROSS-MOTION**

LESTER NAIL,

Defendant.

---

PLEASE TAKE NOTICE that, upon: (1) the Declaration of Michael P. Pappas dated July 25, 2008, and the exhibits annexed thereto; (2) the Declaration of Lester C. Nail dated July 25, 2008, and the exhibits annexed thereto; (3) Defendant's Local Civil Rule 56.1 Statement of Material Facts As To Which There Is No Genuine Issue To Be Tried; (4) Defendant's Memorandum of Law in Opposition to Plaintiff's Motion For Summary Judgment and in Support of Cross-Motion For Summary Judgment; and (5) all of the pleadings in this action, the above-named Defendant, by his attorneys, Littler Mendelson, P.C., will cross-move this Court, before the Honorable Sidney H. Stein, United States District Judge, in the United States Courthouse located at 500 Pearl Street, New York, New York, on a date and at a time to be set by the Court, for an Order pursuant to Fed.R.Civ.P. 56: (i) granting summary judgment in favor of Defendant as to

all counts in the Complaint, (ii) dismissing the Complaint in its entirety and with prejudice, (iii) granting Defendant summary judgment against Plaintiff on Defendant's counterclaim for breach of contract and awarding Defendant damages for said breach in the amount of all compensation and benefits due under the contract, with interest, and (iv) awarding Defendant such other or further relief as is just, equitable, and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's scheduling order, papers in opposition to this cross-motion, if any, must be served so as to be received by Defendant no later than August 8, 2008.

Dated: July 25, 2008

LITTLER MENDELSON, P.C.

Attorneys for Defendant

By: S/  
A. Michael Weber (AW-8760)  
Michael P. Pappas (MP-6716)  
885 Third Avenue  
New York, New York 10022  
(212) 583-9600